

## **BILL NO. 16-109**

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AN ORDINANCE APPROVING DOCUMENTS RELATED TO THE TRANSFER OF PROPERTY WITHIN THE BLUE PARKWAY AND COLBERN ROAD REDEVELOPMENT AREA TO ST. LUKE'S EAST HOSPITAL AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH SAID TRANSFER OF PROPERTY.

WHEREAS, on March 22, 2012, pursuant to Ordinance No. 7164, the City of Lee's Summit, Missouri, approved the Chapter 353 Redevelopment Plan for the Blue Parkway and Colbern Road Redevelopment Area (the "Redevelopment Plan") pursuant to Section 353.010, *et seq.*, the Urban Redevelopment Corporations Law (the "Act"); and,

WHEREAS, on May 17, 2012, pursuant to Ordinance No. 7186, the City approved a First Amendment to the Redevelopment Plan; and,

WHEREAS, Saint Luke's East Hospital ("Saint Luke's") proposes to purchase certain property within the redevelopment area for the Redevelopment Plan; and,

WHEREAS, the Second Amendment to the Redevelopment Plan attached hereto as Exhibit 1 (the "Second Amendment to the Redevelopment Plan"), will amend the Redevelopment Plan to accommodate the transfer of the property legally described in Exhibit I to the Second Amendment to the Redevelopment Plan to Saint Luke's (the "Saint Luke's Property"); and,

WHEREAS, on May 6, 2016, the City furnished each political subdivision whose boundaries for ad valorem taxation purposes include any portion of the real property to be affected by tax abatement in the Redevelopment Plan with notice of a public hearing on the Second Amendment to the Redevelopment Plan to be held by the City Council in accordance with City Ordinance No. 3475 and Sections 353.060 and 353.110, RSMo; and,

WHEREAS, a public hearing was held before the City Council on Thursday, May 19, 2016, in the City Council Chambers at Lee's Summit City Hall, 220 SE Green Street, Lee's Summit, Missouri, at which all interested persons and taxing districts affected by the proposed Second Amendment to the Redevelopment Plan were afforded an opportunity to make comments regarding approval of the Second Amendment to the Redevelopment Plan; and,

WHEREAS, the City, Unity, Bernell K. Rice, and the Blue Parkway and Colbern Road Redevelopment Corporation entered into a Redevelopment Agreement (the "Redevelopment Agreement") on May 1, 2012, to implement the Redevelopment Plan; and,

WHEREAS, on May 17, 2012, pursuant to Ordinance No. 7186, the City authorized the execution of a First Amendment to the Redevelopment Agreement; and,

WHEREAS, Section 5.01.C of the Redevelopment Agreement, as amended, states that in the event of a property transfer, a proposed transferee shall execute a Transferee Agreement in substantial compliance with Exhibit E of the Redevelopment Agreement (the "Transferee Agreement") with the City before a sale shall occur and changes to a proposed Transferee Agreement shall require approval of the City Council before the Transferee Agreement may be executed by the Mayor; and,

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WHEREAS, the form of the Transferee Agreement is proposed to be as set forth in Exhibit 3; and,

WHEREAS, the Blue Parkway and Colbern Road Community Improvement District (the "District") was formed on March 22, 2012, pursuant to Ordinance No. 7165; and,

WHEREAS, the City and the District entered into a Cooperative Agreement (the "Cooperative Agreement") on April 30, 2012; and,

WHEREAS, the City Council desires to approve a (i) Second Amendment to the Redevelopment Plan, (ii) Second Amendment to Redevelopment Agreement, (iii) Transferee Agreement, and (iv) First Amendment to Cooperative Agreement to provide that (a) the Saint Luke's Property will not be transferred to the Corporation prior to conveyance to Saint Luke's and will not be subject to Tax Abatement as provided in the Redevelopment Plan, (b) during the time that Saint Luke's or its affiliates owns the Saint Luke's Property it will be excluded from the imposition of special assessments imposed by the District, (c) during the time that Saint Luke's or its affiliates owns the Saint Luke's Property sales which occur on the Saint Luke's Property that are exempt from tax under State law and other local laws, apart from the CID Act, shall also be exempt from the CID District Sales Tax, and (d) additional related terms and provisions as set forth in the attached Exhibits 1 through 4.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the following documents are hereby approved in substantially the forms attached hereto and the City is hereby authorized to execute and deliver the documents with such changes therein as shall be approved by the officials of the City executing such documents, such officials' signatures thereon being conclusive evidence of their approval thereof:

- (a) The Second Amendment to the Redevelopment Plan attached hereto as Exhibit 1 and incorporated herein by reference.
- (b) The Second Amendment to Redevelopment Agreement attached hereto as Exhibit 2 and incorporated herein by reference.
- (c) The Transferee Agreement attached hereto as Exhibit 3 and incorporated herein by reference.
- (d) The First Amendment to Cooperative Agreement attached hereto as Exhibit 4 and incorporated herein by reference.

SECTION 2. That City officers and agents are each hereby authorized and directed to take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with this Ordinance are

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hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

PASSED by the City Council for the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor *Randy Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor *Randy Rhoads*

ATTEST:

\_\_\_\_\_  
City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian Head*

**EXHIBIT 1**

**SECOND AMENDMENT TO THE REDEVELOPMENT PLAN**

(see attached)

**EXHIBIT 2**

**SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT**

(see attached)

**EXHIBIT 3**

**TRANSFEEE AGREEMENT**

(see attached)

**EXHIBIT 4**

**FIRST AMENDMENT TO COOPERATIVE AGREEMENT**

(see attached)